

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 20, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux and D. Nolan, Deputy Clerk.

Each of the following:

B147744 D.C.F.S. v. Teresa L.
B148438 D.C.F.S. v. Johnny L. et al.
B149147 D.C.F.S. v. Frank W.
B149296 D.C.F.S. v. Annette T

Argument waived, cause submitted.

B146263 Rambam
 v.
 Luhta et al.

Merits:

Argued by Gary Krutz for appellant. No appearance for respondent. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B144239 New Wilshire Equities Services, Inc.
 v.
 Playa Holdings

Merits:

Argued by Matthew Tambor for appellant and by Kenneth H. Moss for respondent. Cause submitted.

DIVISION ONE (Continued)

Vogel (Miriam A.), J. returns to the bench.

B146227 Action Apartment Association et al.
 v.
 City of Santa Monica Rent Control Board

Merits:
Argued by Rosario Perry for appellant and by Joel Martin Levy for
respondent. Cause submitted.

Mallano, J. leaves the bench.

B149096 Pedus Building Services, Inc., et al.
 v.
 Allen

Merits:
Argued by Joseph Geri for appellant and by Michael P. McCloskey for
respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

B135575 Wuo et al.
 v.
 Mairs et al.

Merits:
Argued by Kimberly J. Laliberte for appellant and by Raimund Freihube for
respondent. Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B148856 Rozan et al.
v.
Oak Pointe Condominium Association, Inc. No. 1 et al.

Merits:
Argued by Edmont T. Barrett for appellant and by Michelo M. Campbell for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B147070 The People (Not for Publication)
v.
Martin D.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B147574 Kodaira (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION TWO (Continued)

B149696 Brian John Wasiak (Not for Publication)
 v.
 Lisa Beth Wasiak

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

B136754 Levinson (Not for Publication)
 v.
 Lorain et al.

The judgment is reversed. Each party is to bear his own costs and attorney fees on appeal.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B148422 Los Angeles County D.C.F.S. (Not for Publication)
 v.
 Victor S. et al

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B150238 Los Angeles County D.C.F.S. (Not for Publication)
 v.
 Jimella G.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B143913 People (Not for Publication)
 v.
 Ellis

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
 Todd, J.

B147200 People (Not for Publication)
 v.
 Robinson

The judgment is reversed.

Boren, P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J
 Todd, J.

DIVISION THREE

[illegible]

The order is reversed with directions to grant the motion to set aside the entire property division in the settlement and judgment, redetermine the value of the entire community estate as of a date to be determined pursuant to Family Code section 2552, and divide the property. Monique shall recover her costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B141154 People (Not for Publication)
v.
Morris

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B148556 People v. Sharits (Not for Publication)

The judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment which reflects conviction by jury, rather than plea.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B147675 People (Not for Publication)
v.
Feldmeth

The judgment is reversed. The cause is remanded to the trial court with directions to award presentence custody credits calculated in accordance with *People v Buckhalter*, supra, 26 Cal.4th 20, 41.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B150777 People (Not for Publication)
v.
Deering

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B136688 Smith et al.
 v.
 State Farm Mutual Automobile Insurance Company et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B116419 State Compensation Insurance Fund
 v.
 WPS, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B144017 People
 v.
 Jimmy J. Jackson

Filed order denying petition for rehearing.

B145028 Hershman et al. (Not for Publication)
 v.
 New Line Productions, Inc., et al.

The judgment is affirmed. Defendants and respondents New Line Cinema Corporation, New Line Productions, Inc., Juno Pix, Larger than Life Productions, Inc. and Gary Ross shall recover their costs incurred on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B143326 Lushbaugh (Certified for Publication)

V.

Home Depot U.S.A., Inc., et al.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B137154 People

V.

Donan

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B146634 People (Certified for Partial Publication)

V.

Graves

The judgment is modified to reflect 93 days of presentence credit; in all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

DIVISION FOUR (Continued)

B149294 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
Hermila A.

The dispositional order and the order appointing a guardian ad litem are reversed and the case is remanded for further proceedings consistent with this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B144764 People (Not for Publication)
v.
Gandy

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B151101 People (Not for Publication)
v.
Hawkins

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B149300 People (Not for Publication)
v.
Corral

The judgment is reversed. The matter is remanded to the superior court with instructions to vacate its order granting the motion to suppress, to enter a new and different order denying the motion and to set the matter for trial.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B149589 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION SIX

B142690 White (Not for Publication)
v.
Graham

The judgment is affirmed. Costs on appeal are awarded to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

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DIVISION SIX (Continued)

B146461 People (Not for Publication)
v.
James

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B143167 Becker (Not for Publication)
v.
Stepniak et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B144501	People v. Kirk Edward Johnson	(Not for Publication)
B152066	In re Kirk Edward Johnson on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B140790 People v. Gary Robert Simon (Not for Publication)
B149791 In re Gary Robert Simon on Habeas Corpus

The judgment is reversed. The petition for writ of habeas corpus is denied.

Lillie, P.J.

We concur: Johnson, J.
Woods, J.

B149036 Kate McGrade (Not for Publication)
v.
Glendale Unified School District et al.

The judgment based on the order dismissing McGrade's seventh cause of action is affirmed. The judgment is reversed with respect to the dismissal of the first, third, fourth, fifth and sixth causes of action against the District, and the matter remanded for proceedings consistent with this opinion. McGrade is awarded her costs on appeal.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B145610 Raymond Balikov (Not for Publication)
v.
Southern California Gas Company

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B130952 Boice Nicholls (Not for Publication)
 v.
 Baywatch Production Co.

The judgment and order denying BPC's motion for JNOV are reversed. The trial court is directed to grant the motion for judgment notwithstanding the verdict and to enter judgment accordingly. Each side shall bear its own costs on appeal.

Boland, J. (Assigned)

I concur: Woods, J.
I dissent: Johnson, Acting P.J. (Opinion)

B152353 Oscar W., et al. (Not for Publication)
 v.
 S.C.L.A.
 Los Angeles County Dept. of Children & Family Services et al.

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petitions are denied on the merits.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B139905 Hacienda La Puente Unified School District (Not for Publication)
 v.
 Delaine Eastin, State Superintendent of Public Instruction
 California Department of Finance

The judgment is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B148543 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 James H. and Pearlina P.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

B146165 Nutmeg Securities, Ltd.
 v.
 McGladrey & Pullen

Filed order denying petition for rehearing.